IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

CRL.A.No. 184 of 2005()

SC.70/2001 of ADDITIONAL DISTRICT AND SESSKIONS FAST TRACK (AD HOC II), KOZHIKODE.

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APPELLANT/ACCUSED:

NARAYANAN C/O. CHATHU
CONVICT NO.970, CENTRAL PRISON,
KANNUR.

BY SRI.NARAYANAN(PARTY)

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
A PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.M. KAMMAKPPU

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.THANKAPPAN, J.

CRL. APPEAL NO. 184 OF 2005

Dated this the 24th day of July, 2007

JUDGMENT

This appeal is filed by the sole accused in S.C. No.70 of 2001 on the file of the Additional District and Sessions Court Fast Track (Ad hoc II), Kozhikode. By the impugned judgment, the trial court found the appellant guilty under Section 55(a) of the Abkari Act, convicted him thereunder and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,00,000/- and in default of payment of fine, to undergo rigorous imprisonment for a further period of six months. Against the above conviction and sentence, this appeal is filed.

2. After considering the grounds urged in the Appeal Memorandum and on going through the judgment of the trial court and after considering the entire evidence once again, this Court is of the view that the finding of the trial court is based on evidence and it requires no interference. In the above circumstances, the conviction and sentence awarded against the appellant are also confirmed.

3. It is reported that the appellant was convicted in another case, S.C. No.236 of 2002 before the same court and while he was undergoing imprisonment in that case, an appeal was filed challenging the judgment in S.C. No.236 of 2002 and this Court as per judgment dated 4.1.2006 in Crl. Appeal No.1235 of 2004 reduced the imprisonment from two years to one year. Finding that the accused had already undergone imprisonment for about one and a half years, this Court ordered that the period of sentence already undergone by the accused was sufficient to meet the ends of justice and directed to release the accused forthwith.

4. In this case, the appellant was given a remission of six months and twenty-two days and he was released on 6.1.2006.

Recording the above, this Crl. Appeal is dismissed.

(K.THANKAPPAN, JUDGE)

sp/

K.THANKAPPAN, J.

CRL.APPEAL NO.184/2005

JUDGMENT

24TH JULY, 2007.